REMARKS

The Office Action dated January 25, 2008 has been received and its contents carefully noted. The Office examined claims 1-42 and rejected same. With this paper, none of the claims are amended, none are canceled, and new claims 43-47 are added, so that claims 1-47 remain in the application.

Support for new claims 43-47 can be found in claims 24, 27, 30, 33 and 38 from which they depend, as well as in the specification at page 1, lines 26-29, and table 1 located at pages 12-13.

Rejections under 35 USC §102

At sections 3-4 of the Office action, claims 27, 30, 33, 36-38 and 41-42 are rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 6,961,754 to Christopoulos *et al* (hereinafter Christopoulos). Of these claims, only claims 27, 30, 33 and 38 are independent.

In respect to all of the rejections, applicant notes that the Office likens "user preferences" to "media characteristics" of a media component included in a message. Applicant respectfully submits that, as set out in more detail in what follows, since media characteristics are characteristics of a particular media component included in a particular message, and user preferences are independent of any particular media component in any particular message, the two cannot be likened. Further, the applied art teaches using both user preferences and terminal capabilities to determine what, if any, transcoding to perform. Impliedly, the actual media characteristics are determined and compared with the user preferences and terminal

capabilities, but there is no suggestion or teaching of one machine determining the media characteristics and inserting them into a message with the media component, in order to allow a determination by another machine as to whether to transcode without itself having to determine the media characteristics.

As to claim 27, the Office asserts the Christopoulos teaches "an apparatus for transmitting a message, the apparatus comprising a processor configured to: determine media characteristics for a media component of the message, and provide the media characteristics in the message" as claimed. The Office relies upon Christopoulos col. 10, lines 43-51, and col. 4, lines 8-12, which read:

> In step 418, the image server IS1 invokes the IAS to adapt the image selected by U_B, according to the user preferences and the terminal and/or network capabilities associated with both U_A and U_B. In addition, the image server IS1 invokes the TSS to adapt the image according to the user preferences and the terminal and/or network capabilities associated with U_A and U_B, and to compress the image data in accordance with a data compression scheme that supports these terminals. The image server IS1 then returns the adapted image to the terminal servlet TS2.
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> The Information Adaptation Service and the Transcoder/Scalability Service both rely on a set of user preferences and a set of terminal and/or network capabilities (e.g., available bandwidth, bit error rate, display size, resolution, computational processing power, storage capacity). The information and/or data which defines the user preferences as well as the network and terminal capabilities is either provided to the external device or stored in one or more databases that are accessible by the external device.

At section 8 of the Office action, the Office asserts that Christopolous' disclosure of a user preference clearly teaches the broad limitation of "media characteristics." Applicant respectfully disagrees and submits that there is no relationship between user preferences and media characteristics as claimed. As the term "media characteristics" implies, media characteristics

are characteristics of media, and in the context of the claimed invention, the media is a media component of a message that may include several media components. As the term "user preferences" implies, taking into account the context in which it is used in the applied art, user preferences are preferences *of a user* in respect to how a message is displayed. Characteristics of media are independent of any user particular user, and are therefore independent of any user preferences. Therefore media characteristics are different in kind from user preferences. While some user preferences may be information about how the user would like to display some kinds of media, the information is nevertheless not a media characteristic, i.e. not information about a particular media included in a particular message, but is instead information about what a user would prefer, possibly in respect to a media of one or another type included in *any* message.

Further, as disclosed in the original specification of the present invention at page 1, lines 26-29, media characteristics are defined as follows:

> The relevant characteristics of a message include for example: image resolution, whether a JPEG (Joint Photographic Experts Group) is baseline or progressive, and the number of frames of a GIF (graphics interchange format) image.

Media characteristics deal with such visual and audio features as resolution, frames per second, screen size, etc. As defined in Christopoulos, user preferences comprise “a number of elements that constitute the multimedia data set, a significance value assigned to each element of the multimedia data set; and a price associated with making the modified multimedia data set available to the one or more terminal devices.” Further, the multimedia data set of Christopoulos comprises “one of, or a combination of two or more: a still image; one or more regions of interest of

the still image; a cropped portion of the still image; a video object; and a segment of the video object." Clearly, Christopoulos defines user preferences to be the user's preference as to how many elements are allowed in the multimedia data set (i.e. media component of the message), the user's preferred order of significance for the elements of the data set (i.e. resolution is more important than speed, etc.), and the user's price limit for making the modified multimedia data set available. As claimed, media characteristics are completely independent of what the user prefers; in contrast to Christopoulos, they are characteristics of the media component of the message that exist regardless of user preference. Nowhere in the cited art it is disclosed or suggested that the media characteristics are determined and then provided in the message. Christopoulos may imply that media characteristics exist for which the user generates a series of preferences, however, Christopoulos does not disclose determining and providing the media characteristics in the message.

Further, Christopoulos defines U_A and U_B as "two end-users," and defines user preferences as "a number of elements that constitute the multimedia data set." As stated above, the Office asserts that the media characteristics as claimed in all independent claims of the present invention are equivalent to the user preferences of Christopoulos. As stated herein and in the response to previous Office action, Applicant respectfully asserts that media characteristics are different from user preferences and terminal capabilities; in the current Office action the Office maintains that media characteristics and user preferences are equivalents, however, the Office no longer states that terminal capabilities are equivalent to media characteristics. The above passages cited by the Office clearly

indicate that the image (i.e. media component) is adapted according to ***both*** the user preferences and terminal (and/or network) capabilities associated with ***both*** end-users. In the claimed invention, only the *media characteristics* for a *media component of the message* are determined and provided in the message, and further, the message is generated solely by one user, not both end-users. Therefore, Christopoulos fails to disclose that it is only the media characteristics for a media component of *the message being transmitted* by an apparatus that are determined and provided in the message as claimed. Thus, Christopoulos does not disclose or suggest all the elements of independent claim 27, therefore Christopoulos does not anticipate claim 27.

In addition, starting at page 22, line 1 of the original application, the present invention teaches:

> Referring now to Fig. 3 (and still also to Fig. 2), the invention is shown as providing a method including a first step 31 in which the sending terminal's user agent 21a inserts media characteristics information in a message (after possibly analyzing each media component) intended for the receiving terminal 25. In a next step 32, the sending terminal 21 sends the message to the receiving terminal 25, with the result that the message arrives at the messaging server 22 *en route* to the receiving terminal. In a next step 33, the messaging server reads the inserted media characteristics, compares them with actual or assumed capabilities of the receiving terminal (actual being obtained e.g. by a look up), and decides whether there is a need for any transcoding. If transcoding is not needed, then in an optional next step 37, the messaging server removes the inserted media characteristics (possibly based on type of receiving terminal), and in a next step 38 the messaging server sends the message to the receiving terminal. If however transcoding is needed (according to the comparison made by the messaging server), then in a next step 34 the messaging server sends the message to the transcoding server 24 (assumed here to be external to the messaging server, but could also be hosted by messaging server) for transcoding (along with an indication of the capabilities of the receiving terminal or its identity information for use in possibly obtaining the capabilities of the receiving terminal, as explained above). In a next step 35 the transcoding engine

> hosted by the transcoding server transcodes the message based on the capabilities of the receiving terminal, possibly **using the inserted media characteristics as a guide to what needs to be transcoded in order to save analysis.** Then in a next step 36, the transcoding engine returns the message to messaging server. Then, optionally, the messaging server optionally performs step 37 in which it removes the inserted media characteristics. Finally, the messaging server sends the message to the receiving terminal (in step 38). [Emphasis added.]

Thus, an advantage afforded by providing the media characteristics in the message, as described above, is to save analysis, i.e. to reduce the number of analysis steps involved in determining whether or not the message requires transcoding. Christopoulos does not disclose or suggest any such reduction in analysis, which in turn saves time.

Accordingly, Applicant respectfully submits that independent claim 27 is allowable over the cited art and Applicant therefore requests that the rejection of claim 27 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Claims 30, 33 and 38 are independent claims having similar limitations as independent claim 27. For at least the reasons regarding claim 27 clearly explained above, Christopoulos fails to anticipate claims 30, 33 and 38, therefore Applicant respectfully requests that the rejection of claims 30, 33 and 38 under 35 U.S.C. §102(e) also be reconsidered and withdrawn.

Claims 36-37 and 41-42 are dependent claims and recite features not recited in independent claims 27, 30, 33 and 38. For at least the reasons regarding claim 27, 30, 33 and 38 above, Christopoulos does not anticipate the claimed invention. Therefore, claims 36-37 and 41-42 are also distinguishable over the cited art and Applicant respectfully requests that the rejection of claims 36-37 and 41-42 under 35 U.S.C. §102(e) also be reconsidered and withdrawn.

Rejections under 35 USC §103

At sections 5-6 of the Office action, claims 1-7, 10-21 and 24 are rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 6,961,754 to Christopoulos et al. (hereinafter Christopoulos) in view of U.S. Pat. Pub. No. 2004/0111476 to Trossen et al. (hereinafter Trossen). Of these claims, only claims 1, 11-13, 21 and 24 are independent.

As to claim 1, the Office asserts that Christopoulos teaches "a method by which a multimedia message is transcoded *en route* from a sending terminal via a messaging server to a receiving terminal, the method comprising: a user agent inserting, into the message, media characteristics of the message sufficient in detail to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal; and the messaging server reading the media characteristics and deciding whether the message should be transcoded based only on the inserted media characteristics and on actual or assumed multimedia capabilities of the receiving terminal" as claimed. The Office relies upon Christopoulos col. 4, lines 8-12, col. 7, lines 15-34, and col. 10, lines 43-51, which read:

> The Information Adaptation Service and the Transcoder/Scalability Service both rely on a set of user preferences and a set of terminal and/or network capabilities (e.g., available bandwidth, bit error rate, display size, resolution, computational processing power, storage capacity). The information and/or data which defines the user preferences as well as the network and terminal capabilities is either provided to the external device or stored in one or more databases that are accessible by the external device.
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> The second service is referred to herein as the Transcoder/Scalability Service (TSS). The purpose of the TSS is to intelligently and automatically adapt the one or more selected objects, or portions thereof, as a function of the user preferences, the terminal capabilities associated with the terminal device (e.g., screen size, screen resolution, processing power and codec format) and the network

> capabilities associated with the communication channel over which the terminal device and the media server communicate (e.g., available bandwidth or bit error rate). For example, in the video application, the TSS may intelligently scale the bit stream associated with the 45 second video clip to preserve the video quality for the end-user, given the various user preferences and terminal and network capabilities associated with the end-user's terminal device. In the still image application, the TSS may intelligently adjust the resolution of a particular ROI within a still image to maximize the image quality for the end-user, given the various terminal and network capabilities associated with the end-user's terminal device.
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> In step 418, the image server IS1 invokes the IAS to adapt the image selected by U_A, according to the user preferences and the terminal and/or network capabilities associated with both U_A and U_B. In addition, the image server IS1 invokes the TSS to adapt the image according to the user preferences and the terminal and/or network capabilities associated with U_A and U_B, and to compress the image data in accordance with a data compression scheme that supports these terminals. The image server IS1 then returns the adapted image to the terminal servlet TS2.

The Office admits that Christopoulos does not explicitly teach that the media characteristics are inserted from the user agent of the sending terminal, but relies on Trossen, par. [0040] to teach this feature, which reads:

> By specifying one or more sending entity rules based upon the connectivity of the respective recipients, and/or by specifying one or more sending entity rules such that the media content is transcoded and/or truncated, the sending entity can send media content to the respective recipients in a more cost efficient manner, such as by specifying that the media content be delivered over a lower cost network and/or by specifying that content requiring higher bandwidth (e.g., video content) be truncated from delivered MMS messages when such messages are delivered over higher cost networks.

Applicant respectfully submits that Trossen simply discloses specifying rules for sending the media content in a more cost efficient manner by transcoding or truncating the message. Nowhere does Trossen disclose "inserting, into the message, media characteristics sufficient in detail to enable determining

whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal," as claimed. Using the disclosure of Trossen, for example, if delivery of the message requires a higher bandwidth due to video content, it is truncated over high cost networks. In contrast, using the claimed invention, if the message requires higher bandwidth due to video content, the message will include inserted media characteristics of the message sufficient to allow the message server reading the media characteristics to decide whether the message should be transcoded, based on the media characteristics and the multimedia capabilities of the receiving terminal; either the message meets the capabilities of the receiving terminal and will be received without transcoding, or the message must be transcoded to meet the capabilities of the receiving terminal. There is no situation whereby the message is truncated from delivery because of a rule generated regarding cost effectiveness. Such rules, as disclosed in Trossen, are similar to the user preferences disclosed in Cristopoulos and are discussed above with regard to the 35 USC 102$(e) rejections, and cannot fairly be likened to the recited media characteristics. Further, the rules disclosed in Trossen are not inserted into the message, as claimed, therefore Christopoulos in view of Trossen does not render the claimed invention obvious.

Accordingly, Applicant respectfully submits that independent claim 1 is allowable over the cited art, therefore Applicant requests that the rejection of claim 1 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Claims 11-13, 21 and 24 are independent claims having similar limitations as independent claim 1. For at least the reasons regarding claim 1 clearly explained above, Christopoulos in view of Trossen does not render the claimed invention obvious,

therefore Applicant respectfully requests that the rejection of claims 11-13, 21 and 24 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claims 2-7, 10 and 14-20 are dependent claims and recite features not recited in independent claims 1, 11-13, 21 and 24. For at least the reasons regarding claims 1, 11-13, 21 and 24 above, Christopoulos in view of Trossen does not render the claimed invention obvious. Therefore, claims 2-7, 10 and 14-20 are also patentable over the cited art, thus Applicant respectfully requests that the rejection of claims 2-7, 10 and 14-20 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

At section 7 of the Office action, claims 8-9, 22-23 and 25-26 are rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 6,961,754 to Christopoulos et al. (hereinafter Christopoulos) in view of U.S. Pat. Pub. No. 2004/0111476 to Trossen et al. (hereinafter Trossen) and further in view of U.S. Patent No. 7,159,039 to Hahn et al. (hereinafter Hahn).

Claims 8-9, 22-23 and 25-26 are dependent claims and recite features not recited in independent claims 1, 21 and 24 from which they depend. For at least the reasons regarding claims 1, 21 and 24 above, Christopoulos in view of Trossen and further in view of Hahn does not render the claimed invention obvious. Therefore, claims 8-9, 22-23 and 25-26 are also patentable over the cited art, thus Applicant respectfully requests that the rejection of claims 8-9, 22-23 and 25-26 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

New claims 43-47 are dependent from independent claims 24, 27, 30, 33 and 38 and recite additional features not recited in claims 24, 27, 30, 33 and 38. For at least the reasons regarding

claims 24, 27, 30, 33 and 38 above, Applicant respectfully submits that claims 43-47 are also allowable.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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